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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,797	09/16/2003	Lisa H. Neuberger	12587-038001 / 01476-00/U	3489
26161 FISH & RICH	7590 10/29/2009 ARDSON PC	EXAMINER		
P.O. BOX 102		MANSFIELD, THOMAS L		
MINNEAPOL	IS, MN 55440-1022		ART UNIT	PAPER NUMBER
			3624	
			NOTIFICATION DATE	DELIVERY MODE
			10/29/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Application No. Applicant(s) NEUBERGER ET AL. 10/664,797

THOMAS MANSFIELD THOMAS MANSFIELD THOMAS MANSFIELD THOMAS SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Status of time may be available under the provisions of 37 CFR 1.13(a), in no worth, however, may a righty be termly filled above, the maximum statutory period will apply and will expire 3K (5) MONTHS from the maining date of this communication. No period for righty is specified above, the maximum statutory period will apply and will expire 3K (5) MONTHS from the maining date of the communication. Which is the specified above, the maximum statutory period will apply and will expire 3K (5) MONTHS from the maining date of this communication, even if timely filled, may reduce any available apply and will apply and will expire 3K (5) MONTHS from the maining date of this communication, even if timely filled, may reduce any available apply and will apply and wil	Office Action Summary	Examiner	Art Unit					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely field after Str. (SMCMTH's from the mailing date of the communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ARAMONED (38 U.S.C. § 133). Any reply review in the set or extended period for reply will, by statute, cause the application to become ARAMONED (38 U.S.C. § 133). Any reply review in the set or extended period for reply will, by statute, cause the application to become ARAMONED (38 U.S.C. § 133). Any reply recipied and period for reply will, by statute, cause the application to become ARAMONED (38 U.S.C. § 133). Any reply reply statute in the maining date of this communication, even if timely filed, may reduce any camed patient term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 07 August 2009. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1, 20, 35, 75 and 76 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1, 20, 35 is/are allowed. 6) Claim(s) 1, 20, 35 is/are allowed. 6) Claim(s) 2, 5, 76 is/are rejected. 7) Claim(s) is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 11 Certified copies of t		THOMAS MANSFIELD	3624					
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* See the attached detailed Office action for a list of the certified copies not received.	application from the International Bureau (PCT Rule 17.2(a)).							
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Attachment(s)	_ ''	0	(DTO 440)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date								
3) Notice of Information Disclosure Statement(s) (PTO/SB/08) Space No(s) Mail Rate 7 August 2009 Space No(s) Mail Rate 7 August 2009 Space No(s) Mail Rate 7 August 2009	3) Information Disclosure Statement(s) (PTO/S5/08)	5). Notice of Informal i						

Paper No(s)/Mail Date 7 August 2009.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was
filed in this application after allowance. Since this application is eligible for continued examination under 37
CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office
action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 August 2009 has
been entered.

- This Continued Examination Office Action is in reply to the Request for Continued Examination filed on 7
 August 2009.
- 3. No claims have been amended.
- Claims 1, 20, and 35 were previously allowed.
- Claims 75 and 76 are new and have been added.
- 6. Claims 75 and 76 are currently pending but have not been examined.

Response to Amendment

- The Notice of Allowance in the previous office action is withdrawn from issue in response to Applicants' request for continued examination of newly added claims 75 and 76.
- 8. A phone call was placed on 22 October 2009 to Applicants' representative, Jeremy Monaldo, requesting an interview to clarify the below rejection under 35 U.S.C. 112, second paragraph for Claim 75. In response, the Applicant has requested that an office action detailing the rejection be mailed in order to respond to the rejection.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 75 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 75 recites the limitation, "that needs improvement". This limitation is indefinite because it is not specifically known exactly what needs improvement. Clarification is required.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed

to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on

Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat

can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./

Examiner, Art Unit 3624

23 October 2009

Thomas Mansfield

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624